Order

October 21, 2011

143237 & (69)

Robert P. Young, Jr.,
Chief Justice

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

DANIEL A. YOUNG, as Personal
Representative of the Estate of PATRICIA
J. YOUNG, deceased,
      Plaintiff-Appellee/Cross-Appellant,

v

PARTHA SHANKER NANDI, M.D.,
SANTE BOLOGNA, M.D. and TROY
GASTROENTEROLOGY, P.C., d/b/a
CENTER FOR DIGESTIVE HEALTH,
      Defendants-Appellants/Cross-Appellees.
_____/

SC: 143237
COA: 292409
Oakland CC: 2003-049093-NH

      On order of the Court, the application for leave to appeal the May 3, 2011 judgment of the Court of Appeals and the application for leave to appeal as cross-appellant are considered. Pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE that part of the Court of Appeals judgment finding that the plaintiff is entitled to attorney fees and costs for post-trial work that occurred in the Oakland Circuit Court following the appellate process, and we REINSTATE the circuit court's ruling in this regard. There is not a sufficient causal nexus between the post-appeal proceedings and the defendants' rejection of the case evaluation. MCR 2.403(O)(6)(b); *Haliw v Sterling Heights*, 471 Mich 700, 711 n 8 (2005). In all other respects, the application for leave to appeal and the application for leave to appeal as cross-appellant are DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court. We REMAND this case to the Oakland Circuit Court for proceedings consistent with this order and the remand ordered by the Court of Appeals.

      CAVANAGH and MARILYN KELLY, JJ., would grant the application for leave to appeal and the application for leave to appeal as cross-appellant.

      HATHAWAY, J., would simply deny leave to appeal.

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 21, 2011

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Clerk